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Crime prevention and criminal justice

Report of the Third Committee

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I. Introduction

1. At its 9th plenary meeting, on 11 September 2000, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-fifth session the item entitled "Crime prevention and criminal justice" and to allocate it to the Third Committee.

2. The Third Committee considered the item jointly with item 106, entitled "International drug control", at its 8th to 12th, 17th, 19th, 21st, 34th and 37th meetings, on 29 September and on 2, 4, 10 to 12, 25 and 26 October 2000. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/55/SR.8-12, 17, 19, 21, 34 and 37).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Relevant sections of the report of the Economic and Social Council for 2000 (A/55/3);[1]

(b) Report of the Secretary-General on crime prevention and criminal justice (A/55/119);

(c) Report of the Secretary-General on the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (A/55/156);

(d) Letter dated 18 July 2000 from the Permanent Representative of Japan to the United Nations addressed to the Secretary-General, transmitting the conclusions of the Ministers for Foreign Affairs of the Group of Eight, meeting at Miyazaki, Japan, on 13 July 2000 (A/55/162-S/2000/715);

[1] To be issued as *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 3* (A/55/3/Rev.1).

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(e) Letter dated 1 August 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Japan to the United Nations addressed to the Secretary-General, transmitting the communiqué Okinawa 2000 adopted by the Group of Eight on 23 July 2000 (A/55/257-S/2000/766);

(f) Report of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime on the work of its first to eleventh sessions (A/55/383 and Add.1);

(g) Letter dated 5 October 2000 from the Permanent Representatives of Japan and the Russian Federation to the United Nations addressed to the Secretary-General (A/55/462-S/2000/974);

(h) Letter dated 10 October 2000 from the Permanent Representatives of India and the Russian Federation to the United Nations addressed to the Secretary-General (A/55/473).

4. At the 8th meeting, on 29 September, the Executive Director of the United Nations Office for Drug Control and Crime Prevention made an introductory statement (see A/C.3/55/SR.8).

5. At the same meeting, the Committee engaged in a dialogue with the Executive Director of the United Nations Office for Drug Control and Crime Prevention, in which the representatives of Colombia, Pakistan, Guinea, France, Lebanon and Uganda took part (see A/C.3/55/SR.8).

II. Consideration of proposals

A. Draft resolution A/C.3/55/L.3

6. By its resolution 2000/11 of 27 July 2000, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century". The draft resolution was reproduced in document A/C.3/55/L.3.

7. At its 21st meeting, on 12 October, the Committee adopted draft resolution A/C.3/55/L.3 without a vote (see para. 20, draft resolution I).

B. Draft resolution A/C.3/55/L.4

8. By its resolution 2000/12 of 27 July 2000, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Follow-up to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders". The draft resolution was reproduced in document A/C.3/55/L.4.

9. At its 21st meeting, on 12 October, the Committee adopted draft resolution A/C.3/55/L.4 without a vote (see para. 20, draft resolution II).

C. Draft resolution A/C.3/55/L.5

10. By its resolution 2000/13 of 27 July 2000, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "An effective international legal instrument against corruption". The draft resolution was reproduced in document A/C.3/55/L.5.

11. At its 21st meeting, on 12 October, the Committee adopted draft resolution A/C.3/55/L.5 without a vote (see para. 20, draft resolution III).

D. Draft resolution A/C.3/55/L.7

12. At the 17th meeting, on 10 October, the representative of Lesotho, on behalf of the States Members of the United Nations that are members of the Group of African States, introduced a draft resolution entitled "United Nations African Institute for the Prevention of Crime and the Treatment of Offenders" (A/C.3/55/L.7).

13. At its 21st meeting, on 12 October, the Committee adopted draft resolution A/C.3/55/L.7, without a vote (see para. 20, draft resolution IV).

E. Draft resolution A/C.3/55/L.8/Rev.1

14. At the 34th meeting, on 25 October, the representative of the United States of America, on behalf of Andorra, Australia, Austria, Belgium, Bulgaria, Burundi, Canada, Chile, Colombia, Croatia, Cyprus, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Iceland, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Monaco, the Netherlands, New Zealand, Panama, Poland, Portugal, the Russian Federation, San Marino, Slovenia, Spain, Sweden, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Combating the criminal misuse of information technologies" (A/C.3/55/L.8/Rev.1). Subsequently, Argentina, Armenia, Bosnia and Herzegovina, Costa Rica, the Dominican Republic, Kenya, the Republic of Korea, Latvia, Lithuania, Madagascar, Malta, the Marshall Islands, the Republic of Moldova, Namibia, South Africa, Sri Lanka, Thailand, the former Yugoslav Republic of Macedonia and Uruguay joined in sponsoring the draft resolution.

15. At the same meeting, the representative of the United States of America corrected the thirteenth preambular paragraph by replacing the words "Ministers for Foreign Affairs of the Group of Eight" by the words "Ministers of Justice and the Interior of the Group of Eight".

16. At its 37th meeting, on 26 October, the Committee adopted draft resolution A/C.3/55/L.8/Rev.1, as orally corrected, without a vote (see para. 20, draft resolution V).

17. Before the adoption of the draft resolution, a statement was made by the representative of Antigua and Barbuda; after the adoption of the draft resolution, statements were made by the representatives of Barbados and Belize (see A/C.3/55/SR.37).

F. Draft resolution A/C.3/55/L.9

18. At the 19th meeting, on 11 October, the representative of Italy, on behalf of Argentina, Armenia, Austria, Belarus, Belgium, Bolivia, Bulgaria, Canada, Chile, Colombia, Cyprus, Denmark, the Dominican Republic, Egypt, Finland, France, Germany, Georgia, Greece, Iceland, Ireland, Israel, Italy, Japan, Kyrgyzstan, Lesotho, Lithuania, Luxembourg, Malta, Monaco, the Netherlands, Panama, Portugal, the Republic of Korea, Romania, the Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and the United States of America, introduced a draft resolution entitled "Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity" (A/C.3/55/L.9). Subsequently, Australia, Bangladesh, Croatia, Ecuador, Fiji, Madagascar, Malawi, Norway, Panama, the Philippines and Turkey joined in sponsoring the draft resolution.

19. At its 21st meeting, on 12 October, the Committee adopted draft resolution A/C.3/55/L.9 without a vote (see para. 20, draft resolution VI).

III. Recommendations of the Third Committee

20. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

The General Assembly,

Recalling that, in its resolution 54/125 of 17 December 1999, it requested the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to submit, through the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, its declaration to the Millennium Assembly for consideration and action and requested the Commission to give priority attention at its ninth session to the conclusions and recommendations of the Tenth Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the General Assembly at its fifty-fifth session,

Endorses the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the States Members of the United Nations and the other States participating in the high-level segment of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000,[2] as contained in the annex to the present resolution.

[2] See A/CONF.187/15.

Annex

Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century

We the States Members of the United Nations,

Concerned about the impact on our societies of the commission of serious crimes of a global nature, and convinced of the need for bilateral, regional and international cooperation in crime prevention and criminal justice,

Concerned in particular about transnational organized crime and the relationships between its various forms,

Convinced that adequate prevention and rehabilitation programmes are fundamental to an effective crime control strategy and that such programmes should take into account social and economic factors that may make people more vulnerable to and likely to engage in criminal behaviour,

Stressing that a fair, responsible, ethical and efficient criminal justice system is an important factor in the promotion of economic and social development and of human security,

Aware of the promise of restorative approaches to justice that aim to reduce crime and promote the healing of victims, offenders and communities,

Having assembled at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Vienna from 10 to 17 April 2000 to decide to take more effective concerted action, in a spirit of cooperation, to combat the world crime problem,

Declare as follows:

1. We note with appreciation the results of the regional preparatory meetings for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.[3]

2. We reaffirm the goals of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, respect for human rights and fundamental freedoms, and promotion of the highest standards of fairness, humanity and professional conduct.

3. We emphasize the responsibility of each State to establish and maintain a fair, responsible, ethical and efficient criminal justice system.

4. We recognize the necessity of closer coordination and cooperation among States in combating the world crime problem, bearing in mind that action against it is a common and shared responsibility. In this regard, we acknowledge the need to develop and promote technical cooperation activities to assist States in their efforts to strengthen their domestic criminal justice systems and their capacity for international cooperation.

[3] A/CONF.187/RPM.1/1 and Corr.1, A/CONF.187/RPM.2/1, A/CONF.187/RPM.3/1 and A/CONF.187/RPM.4/1.

5. We shall accord high priority to the completion of the negotiation of the United Nations convention against transnational organized crime and the protocols thereto, taking into account the concerns of all States.

6. We support efforts to assist States in capacity-building, including in obtaining training and technical assistance and in developing legislation, regulations and expertise, with a view to facilitating the implementation of the convention and the protocols thereto.

7. Consistent with the goals of the convention and the protocols thereto, we shall endeavour:

(a) To incorporate a crime prevention component into national and international development strategies;

(b) To intensify bilateral and multilateral cooperation, including technical cooperation, in the areas to be covered by the convention and the protocols thereto;

(c) To enhance donor cooperation in areas with crime prevention aspects;

(d) To strengthen the capability of the United Nations Centre for International Crime Prevention, as well as the United Nations Crime Prevention and Criminal Justice Programme network, to assist States, at their request, in building capacity in areas to be covered by the convention and the protocols thereto.

8. We welcome the efforts being made by the United Nations Centre for International Crime Prevention to develop, in cooperation with the United Nations Interregional Crime and Justice Research Institute, a comprehensive global overview of organized crime as a reference tool and to assist Governments in policy and programme development.

9. We reaffirm our continued support for and commitment to the United Nations and to the United Nations Crime Prevention and Criminal Justice Programme, especially the Commission on Crime Prevention and Criminal Justice and the United Nations Centre for International Crime Prevention, the United Nations Interregional Crime and Justice Research Institute and the institutes of the Programme network, and resolve to strengthen the Programme further through sustained funding, as appropriate.

10. We undertake to strengthen international cooperation in order to create a conducive environment for the fight against organized crime, promoting growth and sustainable development and eradicating poverty and unemployment.

11. We commit ourselves to taking into account and addressing, within the United Nations Crime Prevention and Criminal Justice Programme, as well as within national crime prevention and criminal justice strategies, any disparate impact of programmes and policies on women and men.

12. We also commit ourselves to the development of action-oriented policy recommendations based on the special needs of women as criminal justice practitioners, victims, prisoners and offenders.

13. We emphasize that effective action for crime prevention and criminal justice requires the involvement, as partners and actors, of Governments, national, regional, interregional and international institutions, intergovernmental and non-governmental organizations and various segments of civil society, including the

mass media and the private sector, as well as the recognition of their respective roles and contributions.

14. We commit ourselves to the development of more effective ways of collaborating with one another with a view to eradicating the scourge of trafficking in persons, especially women and children, and the smuggling of migrants. We shall also consider supporting the global programme against trafficking in persons developed by the United Nations Centre for International Crime Prevention and the United Nations Interregional Crime and Justice Research Institute, which is subject to close consultation with States and review by the Commission on Crime Prevention and Criminal Justice, and we establish 2005 as the target year for achieving a significant decrease in the incidence of those crimes worldwide and, where that is not attained, for assessing the actual implementation of the measures advocated.

15. We also commit ourselves to the enhancement of international cooperation and mutual legal assistance to curb illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and we establish 2005 as the target year for achieving a significant decrease in their incidence worldwide.

16. We further commit ourselves to taking enhanced international action against corruption, building on the United Nations Declaration against Corruption and Bribery in International Commercial Transactions,[4] the International Code of Conduct for Public Officials,[5] relevant regional conventions and regional and global forums. We stress the urgent need to develop an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime, and we invite the Commission on Crime Prevention and Criminal Justice to request the Secretary-General to submit to it at its tenth session, in consultation with States, a thorough review and analysis of all relevant international instruments and recommendations as part of the preparatory work for the development of such an instrument. We shall consider supporting the global programme against corruption developed by the United Nations Centre for International Crime Prevention and the United Nations Interregional Crime and Justice Research Institute, which is subject to close consultation with States and review by the Commission on Crime Prevention and Criminal Justice.

17. We reaffirm that combating money-laundering and the criminal economy constitutes a major element of the strategies against organized crime, established as a principle in the Naples Political Declaration and Global Action Plan against Organized Transnational Crime, adopted by the World Ministerial Conference on Organized Transnational Crime, held at Naples, Italy, from 21 to 23 November 1994.[6] We are convinced that the success of this action rests upon setting up broad regimes and coordinating appropriate mechanisms to combat the laundering of proceeds of crime, including the provision of support to initiatives focusing on States and territories offering offshore financial services that allow the laundering of the proceeds of crime.

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[4] Resolution 51/191, annex.

[5] Resolution 51/59, annex.

[6] A/49/748, annex, sect. I A.

18. We decide to develop action-oriented policy recommendations on the prevention and control of computer-related crime, and we invite the Commission on Crime Prevention and Criminal Justice to undertake work in this regard, taking into account the ongoing work in other forums. We also commit ourselves to working towards enhancing our ability to prevent, investigate and prosecute high-technology and computer-related crime.

19. We note that acts of violence and terrorism continue to be of grave concern. In conformity with the Charter of the United Nations and taking into account all the relevant General Assembly resolutions, we shall together, in conjunction with our other efforts to prevent and to combat terrorism, take effective, resolute and speedy measures with respect to preventing and combating criminal activities carried out for the purpose of furthering terrorism in all its forms and manifestations. With this in view, we undertake to do our utmost to foster universal adherence to the international instruments concerned with the fight against terrorism.

20. We also note that racial discrimination, xenophobia and related forms of intolerance continue, and we recognize the importance of taking steps to incorporate into international crime prevention strategies and norms measures to prevent and combat crime associated with racism, racial discrimination, xenophobia and related forms of intolerance.

21. We affirm our determination to combat violence stemming from intolerance on the basis of ethnicity, and we resolve to make a strong contribution, in the area of crime prevention and criminal justice, to the planned World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

22. We recognize that the United Nations standards and norms in crime prevention and criminal justice contribute to efforts to deal with crime effectively. We also recognize the importance of prison reform, the independence of the judiciary and the prosecution authorities, and the International Code of Conduct for Public Officials. We shall endeavour, as appropriate, to use and apply the United Nations standards and norms in crime prevention and criminal justice in national law and practice. We undertake to review relevant legislation and administrative procedures, as appropriate, with a view to providing the necessary education and training to the officials concerned and ensuring the necessary strengthening of institutions entrusted with the administration of criminal justice.

23. We also recognize the value of the model treaties on international cooperation in criminal matters as important tools for the development of international cooperation, and we invite the Commission on Crime Prevention and Criminal Justice to call upon the United Nations Centre for International Crime Prevention to update the *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice*[7] in order to provide the most up-to-date versions of the model treaties to States seeking to utilize them.

24. We further recognize with great concern that juveniles in difficult circumstances are often at risk of becoming delinquent or easy candidates for recruitment by criminal groups, including groups involved in transnational

[7] United Nations publication, Sales No. E.92.IV.1 and corrigendum.

organized crime, and we commit ourselves to undertaking countermeasures to prevent this growing phenomenon and to including, where necessary, provisions for juvenile justice in national development plans and international development strategies and to including the administration of juvenile justice in our funding policies for development cooperation.

25. We recognize that comprehensive crime prevention strategies at the international, national, regional and local levels must address the root causes and risk factors related to crime and victimization through social, economic, health, educational and justice policies. We urge the development of such strategies, aware of the proven success of prevention initiatives in numerous States and confident that crime can be reduced through applying and sharing our collective expertise.

26. We commit ourselves to according priority to containing the growth and overcrowding of pre-trial and detention prison populations, as appropriate, by promoting safe and effective alternatives to incarceration.

27. We decide to introduce, where appropriate, national, regional and international action plans in support of victims of crime, such as mechanisms for mediation and restorative justice, and we establish 2002 as a target date for States to review their relevant practices, to develop further victim support services and awareness campaigns on the rights of victims and to consider the establishment of funds for victims, in addition to developing and implementing witness protection policies.

28. We encourage the development of restorative justice, policies, procedures and programmes that are respectful of the rights, needs and interests of victims, offenders, communities and all other parties.

29. We invite the Commission on Crime Prevention and Criminal Justice to design specific measures for the implementation and follow-up of the commitments that we have undertaken in the present Declaration.

Draft resolution II
Follow-up to the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders

The General Assembly,

Recalling its resolution 54/125 of 17 December 1999,

Taking note with appreciation of the results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000,[8] including the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the Tenth Congress during its high-level segment, which were considered by the Commission on Crime Prevention and Criminal Justice at its ninth session, held in Vienna from 18 to 20 April 2000,[9]

1. *Urges* Governments, in their efforts to prevent and combat crime, especially transnational crime, and to maintain well-functioning criminal justice

[8] See A/CONF.187/15.

[9] *Official Records of the Economic and Social Council, 2000, Supplement No. 10* (E/2000/30).

systems, to be guided by the results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders;[8]

2. *Requests* the Commission on Crime Prevention and Criminal Justice to continue at its tenth session its consideration of the findings and recommendations embodied in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, adopted by the Tenth Congress, and, as appropriate, the report of the Tenth Congress and to take appropriate action;

3. *Requests* the Secretary-General to prepare, in consultation with Member States, draft plans of action to include specific measures for the implementation of and follow-up to the commitments undertaken in the Declaration for consideration and action by the Commission at its tenth session.

Draft resolution III
An effective international legal instrument against corruption

The General Assembly,

Noting the corrosive effect that corruption has on democracy, development, the rule of law and economic activity,

Recalling its resolutions 53/111 of 9 December 1998, by which it established the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, and 54/126 of 17 December 1999, in which it requested the Ad Hoc Committee to complete its work in 2000,

Recalling also its resolution 54/128 of 17 December 1999, in which it requested the Ad Hoc Committee to explore the desirability of an international instrument against corruption, either ancillary to or independent of the United Nations convention against transnational organized crime,

Taking note of the report of the Ad Hoc Committee on its seventh session,[10] during which it considered the implementation of General Assembly resolution 54/128,

Recalling the debates and especially the statements made at the high-level segment and the results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000,[11] in particular the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,

Bearing in mind the need to prepare a broad instrument that takes into account existing international conventions against corruption,

1. *Recognizes* that an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime,[12] is desirable;

[10] A/AC.254/25.
[11] See A/CONF.187/15.
[12] A/55/383, annex I.

2. *Decides* to begin the elaboration of such an instrument in Vienna at the headquarters of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat;

3. *Requests* the Secretary-General to prepare a report analysing all relevant international legal instruments, other documents and recommendations addressing corruption,[13] considering, inter alia, obligations as regards criminalization of all forms of corruption and international cooperation, regulatory aspects of corruption and the relationship between corruption and money-laundering, and to submit it to the Commission on Crime Prevention and Criminal Justice at an inter-sessional session in order to allow Member States to provide comments to the Commission prior to its tenth session;

4. *Requests* the Commission, at its tenth session, to review and assess the report of the Secretary-General and, on that basis, to provide recommendations and guidance as to future work on the development of a legal instrument against corruption;

5. *Requests* the Secretary-General to convene, upon completion of the negotiation of the United Nations Convention against Transnational Organized Crime and the related protocols, an intergovernmental open-ended expert group to examine and prepare, on the basis of the report of the Secretary-General and of the recommendations of the Commission at its tenth session, draft terms of reference for the negotiation of the future legal instrument against corruption;

6. *Requests* the intergovernmental open-ended expert group to submit the draft terms of reference for the negotiation of the future legal instrument, through the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, to the General Assembly at its fifty-sixth session for adoption;

7. *Decides* to establish an ad hoc committee for the negotiation of such an instrument to start its work in Vienna as soon as the draft terms of reference for such negotiation are adopted;

8. *Invites* donor countries to assist the United Nations in ensuring the effective participation of developing countries, in particular least developed countries, in the work of the intergovernmental open-ended expert group and the ad hoc committee, including travel and local expenses;

9. *Requests* the Secretary-General to provide the Commission and the intergovernmental open-ended expert group with the required facilities and resources to support their work.

Annex

Indicative list of international legal instruments, documents and recommendations against corruption

(a) International Code of Conduct for Public Officials;[14]

[13] See the annex to the present resolution for an indicative list of such legal instruments, documents and recommendations.

[14] Resolution 51/59, annex.

(b) United Nations Declaration against Corruption and Bribery in International Commercial Transactions;[15]

(c) General Assembly resolution 54/128, in which the Assembly subscribed to the conclusions and recommendations of the Expert Group Meeting on Corruption and its Financial Channels, held in Paris from 30 March to 1 April 1999;[16]

(d) Report of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000;[17]

(e) Inter-American Convention against Corruption, adopted by the Organization of American States on 29 March 1996,[18]

(f) Recommendation 32 of the Senior Experts Group on Transnational Organized Crime endorsed by the Political Group of Eight in Lyon, France, on 29 June 1996;[19]

(g) The Twenty Guiding Principles for the Fight against Corruption, adopted by the Committee of Ministers of the Council of Europe on 6 November 1997;

(h) Convention on Combating Bribery of Foreign Public Officials in International Business Transactions adopted by the Organisation for Economic Cooperation and Development on 21 November 1997;[20]

(i) Agreement Establishing the Group of States against Corruption, adopted by the Committee of Ministers of the Council of Europe on 5 May 1998, and the Criminal Law Convention on Corruption, adopted by the Committee of Ministers of the Council of Europe on 4 November 1998;[21]

(j) Measure on Combating Corruption in the Private Sector, adopted by the European Union on 22 December 1998;

(k) Declarations made by the first Global Forum on Fighting Corruption, held in Washington, D.C., from 24 to 26 February 1999,[22] and the second Global Forum to be held in The Hague in 2001;

(l) Civil Law Convention on Corruption, adopted by the Committee of Ministers of the Council of Europe on 4 November 1999;[23]

(m) Model Code of Conduct for Public Officials, adopted by the Committee of Ministers of the Council of Europe on 11 May 2000;

(n) Principles to Combat Corruption in African Countries of the Global Coalition for Africa;

(o) Conventions and related protocols of the European Union on corruption;

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[15] Resolution 51/191, annex.
[16] E/CN.15/1999/10, paras. 1-14.
[17] A/CONF.187/15.
[18] See E/1996/99.
[19] See Economic and Social Council resolution 1997/22, annex I.
[20] See *Corruption and Integrity Improvement Initiatives in Developing Countries* (United Nations publication, Sales No. E.98.III.B.18).
[21] Council of Europe, *European Treaty Series*, No. 173.
[22] E/CN.15/1999/WP.1/Add.1.
[23] Council of Europe, *European Treaty Series*, No. 174.

(p) Best practices such as those compiled by the Basel Committee on Banking Supervision, the Financial Action Task Force on Money Laundering and the International Organization of Securities Commissions.

Draft resolution IV
United Nations African Institute for the Prevention of Crime and the Treatment of Offenders

The General Assembly,

Recalling its resolution 54/130 of 17 December 1999 and all other relevant resolutions,

Taking note of the report of the Secretary-General,[24]

Bearing in mind the urgent need to establish effective crime prevention strategies for Africa, as well as the importance of law enforcement agencies and the judiciary at the regional and subregional levels,

Noting that the financial situation of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders has greatly affected its capacity to deliver its services to African Member States in an effective and comprehensive manner,

1. *Commends* the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders for its efforts to promote and coordinate regional technical cooperation activities related to crime prevention and criminal justice systems in Africa;

2. *Commends* the Secretary-General for his efforts to mobilize the financial resources necessary to provide the Institute with the core professional staff required to enable it to function effectively in the fulfilment of its mandated obligations;

3. *Reiterates* the need to strengthen further the capacity of the Institute to support national mechanisms for crime prevention and criminal justice in African countries;

4. *Urges* the States members of the Institute to make every possible effort to meet their obligations to the Institute;

5. *Calls upon* all Member States and non-governmental organizations to adopt concrete practical measures to support the Institute in the development of the requisite capacity and implement its programmes and activities aimed at strengthening crime prevention and criminal justice systems in Africa;

6. *Requests* the Secretary-General to intensify efforts to mobilize all relevant entities of the United Nations system to provide the necessary financial and technical support to the Institute to enable it to fulfil its mandate;

7. *Also requests* the Secretary-General to deploy his efforts to mobilize the financial resources necessary to maintain the Institute with the core professional staff required to enable it to function effectively in the fulfilment of its mandated obligations;

[24] A/55/156.

8. *Calls upon* the United Nations Crime Prevention and Criminal Justice Programme and the United Nations International Drug Control Programme to work closely with the Institute;

9. *Requests* the Secretary-General to enhance the promotion of regional cooperation, coordination and collaboration in the fight against crime, especially in its transnational dimension, which cannot be dealt with adequately by national action alone;

10. *Also requests* the Secretary-General to make concrete proposals, including the provision of additional core professional staff, in order to strengthen the programmes and activities of the Institute and to report to the General Assembly at its fifty-sixth session on the implementation of the present resolution.

Draft resolution V
Combating the criminal misuse of information technologies

The General Assembly,

Recalling United Nations Millennium Declaration,[25] in which Member States resolved to ensure that the benefits of new technologies, especially information and communications technologies, in conformity with recommendations contained in the Ministerial Declaration of the high-level segment of the Economic and Social Council,[26] are available to all,

Recalling also its resolution 45/121 of 14 December 1990, in which it endorsed the recommendations of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,[27] and noting in particular its resolution on computer-related crimes,[28] in which the Eighth Congress called upon States to intensify their efforts to combat computer-related abuses more effectively,

Emphasizing the contributions that the United Nations, in particular the United Nations Commission on Crime Prevention and Criminal Justice, can make in the promotion of more efficient and effective law enforcement and administration of justice and of the highest standards of fairness and human dignity,

Recognizing that the free flow of information can promote economic and social development, education and democratic governance,

Noting significant advancements in the development and application of information technologies and means of telecommunication,

Expressing concern that technological advancements have created new possibilities for criminal activity, in particular the criminal misuse of information technologies,

Noting that reliance on information technologies, while it may vary from State to State, has resulted in a substantial increase in global cooperation and

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[25] Resolution 55/2.

[26] *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 3* (A/55/3/Rev.1), chap. III.

[27] *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-2 September 1990* (United Nations publication, Sales No. E.91.IV.2), chap I.

[28] Ibid., chap. I, sect. C, resolution 9.

coordination, with the result that criminal misuse of information technologies may have a grave impact on all States,

Recognizing that gaps in the access to and use of information technologies by States can diminish the effectiveness of international cooperation in combating the criminal misuse of information technologies, and noting the need to facilitate the transfer of information technologies, in particular to developing countries,

Noting the necessity of preventing the criminal misuse of information technologies,

Recognizing the need for cooperation between States and private industry in combating the criminal misuse of information technologies,

Underlining the need for enhanced coordination and cooperation among States in combating the criminal misuse of information technologies and, in this context, stressing the role that can be played by both the United Nations and regional organizations,

Welcoming the work of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000,[29]

Noting the work of the Committee of Experts on Crime and Cyberspace of the Council of Europe on a draft convention on cybercrime, the principles agreed to by the Ministers of Justice and the Interior of the Group of Eight in Washington, D.C., on 10 December 1997, which were endorsed by the Heads of State of the Group of Eight in Birmingham, United Kingdom of Great Britain and Northern Ireland, in May 1998, the work of the Conference of the Group of Eight on a dialogue between government and industry on safety and confidence in cyberspace, held in Paris from 15 to 17 May 2000, and the recommendations approved on 2 March 2000 by the Third Meeting of Ministers of Justice or of Ministers or Attorneys General of the Americas, convened in Costa Rica from 1 to 3 March 2000 within the framework of the Organization of American States,

1. *Notes with appreciation* the efforts of the above-mentioned bodies to prevent the criminal misuse of information technologies, and also takes note of the value of, inter alia, the following measures to combat such misuse:

(a) States should ensure that their laws and practice eliminate safe havens for those who criminally misuse information technologies;

(b) Law enforcement cooperation in the investigation and prosecution of international cases of criminal misuse of information technologies should be coordinated among all concerned States;

(c) Information should be exchanged between States regarding the problems that they face in combating the criminal misuse of information technologies;

(d) Law enforcement personnel should be trained and equipped to address the criminal misuse of information technologies;

[29] See A/CONF.187/15.

(e) Legal systems should protect the confidentiality, integrity and availability of data and computer systems from unauthorized impairment and ensure that criminal abuse is penalized;

(f) Legal systems should permit the preservation of and quick access to electronic data pertaining to particular criminal investigations;

(g) Mutual assistance regimes should ensure the timely investigation of the criminal misuse of information technologies and the timely gathering and exchange of evidence in such cases;

(h) The general public should be made aware of the need to prevent and combat the criminal misuse of information technologies;

(i) To the extent practicable, information technologies should be designed to help prevent and detect criminal misuse, trace criminals and collect evidence;

(j) The fight against the criminal misuse of information technologies requires the development of solutions taking into account both the protection of individual freedoms and privacy and the preservation of the capacity of Governments to fight such criminal misuse;

2. *Invites* States to take into account the above-mentioned measures in their efforts to combat the criminal misuse of information technologies;

3. *Decides* to maintain the question of the criminal misuse of information technologies on the agenda of its fifty-sixth session, as part of the item entitled "Crime prevention and criminal justice".

Draft resolution VI
Strengthening of the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity

The General Assembly,

Recalling its resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme, in which it approved the statement of principles and programme of action annexed to that resolution,

Emphasizing the role of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, respect for human rights and promotion of the highest standards of fairness, humanity and professional conduct,

Convinced of the desirability of closer coordination and cooperation among States in combating crime, including drug-related crimes such as money-laundering, illicit arms trade and terrorist crimes, bearing in mind the role that could be played by both the United Nations and regional organizations in this respect,

Recognizing the urgent need to increase technical cooperation activities to assist countries, in particular developing countries and countries with economies in transition, with their efforts in translating United Nations policy guidelines into practice,

Recognizing also the need to maintain a balance in the technical cooperation capacity of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat between the immediate priority of the draft United Nations Convention against Transnational Organized Crime and the protocols thereto and other priorities identified by the Economic and Social Council,

Recalling its relevant resolutions in which it requested the Secretary-General, as a matter of urgency, to provide the United Nations Crime Prevention and Criminal Justice Programme with sufficient resources for the full implementation of its mandate, in conformity with the high priority attached to the Programme,

Bearing in mind the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[30] which was approved by the Tenth United Nations Congress on Crime Prevention and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000, and adopted by the General Assembly in its resolution ....., in which Member States renewed their commitment to combat organized crime in all its forms and manifestations and to promote crime prevention in all its areas,

Welcoming the successful completion of the work of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime, established by its resolution 53/111 of 9 December 1998, and the progress achieved in the elaboration of the three supplementary protocols, namely the Protocol against the Smuggling of Migrants by Land, Sea and Air,[31] the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[32]

1. *Takes note with appreciation* of the report of the Secretary-General on the progress made in the implementation of General Assembly resolution 54/131 of 17 December 1999;[33]

2. *Reaffirms* the importance of the United Nations Crime Prevention and Criminal Justice Programme in promoting effective action to strengthen international cooperation in crime prevention and criminal justice, in responding to the needs of the international community in the face of both national and transnational criminality and in assisting Member States in achieving the goals of preventing crime within and among States and improving the response to crime;

3. *Also reaffirms* the role of the Centre for International Crime Prevention in providing to Member States, upon request, technical cooperation, advisory services and other forms of assistance in the field of crime prevention and criminal justice, including in the area of prevention and control of organized crime;

4. *Notes* the programme of work of the Centre, including the three global programmes addressing, respectively, the trafficking in human beings, corruption and organized crime, formulated on the basis of close consultations with Member States and review by the Commission on Crime Prevention and Criminal Justice,

[30] A/CONF.187/4/Rev.3.
[31] A/55/383, annex III.
[32] A/55/383, annex II.
[33] A/55/119.

and calls on the Secretary-General to further strengthen the Centre by providing it with the resources necessary for the full implementation of its mandate;

5. *Supports* the high priority given to technical cooperation and advisory services in the field of crime prevention and criminal justice, including in the area of prevention and control of transnational organized crime, and stresses the need to enhance the operational activities of the Centre to assist, in particular, developing countries and countries with economies in transition;

6. *Welcomes* the increased number of technical assistance projects in the field of juvenile justice, reflecting an increased awareness among Member States of the importance of juvenile justice reform in establishing and maintaining stable societies and the rule of law;

7. *Invites* all States to support, through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund, the operational activities of the United Nations Crime Prevention and Criminal Justice Programme;

8. *Encourages* relevant programmes, funds and organizations of the United Nations system, in particular the United Nations Development Programme, international financial institutions, in particular the World Bank, and regional and national funding agencies to support the technical operational activities of the Centre;

9. *Urges* States and funding agencies to review, as appropriate, their funding policies for development assistance and to include a crime prevention and criminal justice component in such assistance;

10. *Welcomes* the efforts undertaken by the Commission on Crime Prevention and Criminal Justice to exercise more vigorously its mandated function of resource mobilization, and calls upon the Commission to strengthen further its activities in this direction;

11. *Expresses its appreciation* to non-governmental organizations and other relevant sectors of civil society for their support to the United Nations Crime Prevention and Criminal Justice Programme;

12. *Welcomes* the efforts of the Executive Director of the Office for Drug Control and Crime Prevention to enhance the synergies between the United Nations International Drug Control Programme and the Centre for International Crime Prevention, in conformity with the reform proposals of the Secretary-General;

13. *Requests* the Secretary-General to take all necessary measures to assist the Commission on Crime Prevention and Criminal Justice, as the principal policy-making body in this field, in performing its activities, including cooperation and coordination with other relevant bodies, such as the Commission on Narcotic Drugs, the Commission on Human Rights, the Commission on the Status of Women and the Commission for Social Development;

14. *Invites* States to make adequate voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund in order to strengthen the capacity of the Centre for International Crime Prevention to provide technical assistance to requesting States for the implementation of the commitments entered into at the Tenth United Nations Congress on Crime Prevention and the Treatment of Offenders and, in particular, to implement programmes designed to combat and

prevent the trafficking in human beings, the smuggling of migrants and corruption and to study and bring about action to combat and prevent transnational organized crime;

15. *Encourages* States to begin making adequate and regular voluntary contributions for the implementation of the United Nations Convention against Transnational Organized Crime[34] and the protocols thereto,[35] which will be open for signature in Palermo, Italy, on 12 December 2000, through the United Nations funding mechanism specifically designed for that purpose in the Convention;

16. *Requests* the Secretary-General to take all necessary measures and provide adequate support to the Centre for International Crime Prevention during the biennium 2002-2003 so as to enable the Centre to promote the speedy entry into force of the Convention and the protocols thereto;

17. *Welcomes* the decision of the Commission on Crime Prevention and Criminal Justice to mainstream a gender perspective into its activities and its request to the Secretariat that a gender perspective be integrated into all activities of the Centre;

18. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its fifty-sixth session.

[34] A/55/383, annex I.

[35] A/55/383, annexes II and III.